

Complaint

18 F.T.C. -

IN THE MATTER OF
BENJAMIN HALLMAN, DOING BUSINESS AS RELIABLE
SUIT CASE COMPANY

COMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 2109. Complaint, July 26, 1933—Order, Dec. 9, 1933

Consent order requiring respondent, in connection with the sale and offer of luggage in interstate commerce, to cease and desist from labeling, stamping or otherwise advertising luggage manufactured in whole or in part from split leather, as being manufactured from genuine leather, and from in any manner indicating that the material used in the manufacture is other than split leather.

Mr. Alfred M. Craven for the Commission.

COMPLAINT

Acting in the public interest pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission charges that Benjamin Hallman has been and is using unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said act and states its charges in that respect as follows:

PARAGRAPH 1. Respondent, Benjamin Hallman, is now and has been for several years last past doing business in the city of New York under the trade name of Reliable Suit Case Co. The business of respondent is that of manufacturing and selling in interstate commerce to jobbers and retail dealers throughout the United States handbags, suitcases and other luggage. He causes said merchandise when sold to be shipped in interstate commerce from his said place of business in New York into and through various States of the United States to purchasers thereof at their respective points of location. In the course and conduct of his said business respondent is and has been in competition with many other persons, firms and corporations located in the United States engaged in the manufacture and sale in interstate commerce of handbags, suitcases and other luggage and in the shipment of same from their respective points of

location to purchasers throughout the various States of the United States.

PAR. 2. Many of respondent's competitors mentioned in paragraph 1 hereof make and sell luggage covered with leather made from the outside or topside of sealskin or cowskin after same has been separated or split from the flesh side of the skin. Such leather is described by makers of luggage and generally known by manufacturers, tanners, dealers, and the purchasing public as "seal" or "genuine seal", "cowskin" or "genuine cowskin", as the case may be. The luggage covered by said skins is also known to the trade and usually branded or tagged by the manufacturer as "top grain cowhide" or "top grain seal", as the case may be. When said competitors use as covering the leather manufactured from the flesh side of the skin, said leather as well as the luggage covered by it is ordinarily described, labeled and tagged by said manufacturers as "split seal" or "split cowhide", as the case may be. The split leather is very much inferior in quality, durability, and price to the top grain or genuine leather as described in this paragraph.

PAR. 3. Respondent among other merchandise manufactures and sells in the course of business described in paragraph 1 hereof luggage the covering of which is the material mentioned in paragraph 2 hereof as split leather, both seal and cowskin being used. This material is treated, embossed and finished by said respondent so as to imitate the genuine leather made from the top grain of cowskin and sealskin and in some cases the split cowskin leather is treated, embossed and finished so as to resemble genuine seal. Respondent by means of stamps, tags and other markings affixed to said luggage made of said split leather describes said luggage in the case of cowhide as "genuine cowhide leather" and in the case of seal as "genuine sealskin." Said descriptions made on or attached to said luggage reaches the public through the retail merchants and is used by said merchants in advertising and selling such spurious luggage to the public.

PAR. 4. Said descriptions, labels, and brandings made by respondent as to his merchandise are false and fraudulent in that the material described is not "genuine cowskin" or "genuine seal" as such descriptions are commonly understood by the purchasing public. The use of said descriptions, markings and representations has the capacity and tendency to deceive the purchasing public and induce purchasers to buy luggage thus described in and on account of the belief that the said luggage is made of genuine or top grain leather.

The said false brandings and markings also have the capacity and tendency unfairly to divert trade from respondent's competitors to the respondent.

PAR. 5. The above alleged acts and things done by respondent are all to the prejudice of the public and of respondent's competitors and constitute unfair methods of competition in commerce within the intent and meaning of Section 5 of an act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914.

ORDER TO CEASE AND DESIST

Pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes" (38 Stat. 719), the Federal Trade Commission, on the 26th day of July, 1933, issued and thereafter served its complaint against the respondent, Benjamin Hallman, doing business as Reliable Suit Case Co., charging him with the use of unfair methods of competition in commerce in violation of the provisions of said act. Respondent thereafter filed an answer to said complaint, and thereafter, tendered to the Commission, for filing, a substituted answer, withdrawing the original answer, said substituted answer reading as follows:

The respondent, Benjamin Hallmann, doing business as Reliable Suit Case Co., having withdrawn his answer heretofore filed, for a substituted answer to the complaint of the Federal Trade Commission, states, that respondent refrains from contesting this proceeding and consents that the Commission may make, enter, and serve on the respondent an order to cease and desist from the violations of law alleged in the complaint.

Thereafter, this proceeding came on regularly for disposition and decision by the Commission, under subdivision 2 of Rule III, of the Rules of Practice and Procedure adopted by the Commission; and the Commission being fully advised in the premises:

It is ordered, That the substituted answer of the respondent be filed, and that the respondent, in connection with the sale and offering for sale of luggage in interstate commerce between and among the several States of the United States and in the District of Columbia, do cease and desist from labeling, stamping or otherwise advertising luggage manufactured in whole or in part from split leather as being manufactured from genuine leather, and from in any manner indicating that the material used in the manufacture is other than split leather.

Complaint

IN THE MATTER OF
NATIONAL SILVER COMPANYCOMPLAINT AND ORDER IN REGARD TO THE ALLEGED VIOLATION OF SEC. 5
OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914*Docket 2080. Complaint, Dec. 5, 1932—Order, Dec. 16, 1933*

Consent order requiring respondent, its officers, etc., in connection with the advertisement, offer or sale in interstate commerce and in the District of Columbia of scissors imported from Germany, with the stamp and brand "Royal Brand—Solid Steel—Germany", and with a carbon content of not more than 0.095 percent, to cease and desist from representing the same as solid steel, either by use of the words "steel" or "solid steel" or other words which convey the same idea.

Mr. G. Ed. Rowland for the Commission.

Brill, Bergenfeld & Brill, of New York City, for respondent.

COMPLAINT

Acting in the public interest pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", the Federal Trade Commission charges that National Silver Company, a corporation, has been and is now using unfair methods of competition in interstate commerce in violation of the provisions of Section 5 of said act, and states its charges in that respect as follows:

PARAGRAPH 1. Respondent, National Silver Company, is a corporation organized and existing under the laws of the State of New York, with its principal office and place of business located at 61 West Twenty-third Street, in the city of New York, State of New York, where it has been for more than one year last past, engaged in the sale of silverware, novelty ware and cutlery to wholesale and retail dealers located in the various States of the United States. The officers of respondent are Samuel E. Bernstein, president; Philip J. Bernstein, vice president; Morton Bernstein, treasurer; and Harry Berke, secretary. Respondent causes its said articles of merchandise when sold to be transported from its said place of business in the city of New York, State of New York, through and into other States of the United States to the purchasers thereof at their